

H.480

Introduced by Committee on Education

Date:

Subject: Education; definitions; obsolete language; RED incentives

Statement of purpose of bill as introduced: This bill proposes to make miscellaneous technical and other amendments to education laws, including adding “prekindergarten” to the definition of “elementary education” for federal grant purposes; repealing obsolete language and references to repealed statutes; updating the language of 16 V.S.A. § 2902 regarding educational support systems; and basing eligibility for RED incentives on the date on which districts receive final approval of the electorate rather than on the date on which the new district becomes operational.

An act relating to making miscellaneous technical and other amendments to education laws

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Elementary Education; Prekindergarten \* \* \*

Sec. 1. 16 V.S.A. § 11(a)(3) is amended to read:

(3) “Elementary education” means a program of public school education adapted to the needs of students in prekindergarten, kindergarten, and the first six grades.

~~\*\*\* Divided Vote; Repeal of Language No Longer in Effect \*\*\*~~

Sec. 2. 16 V.S.A. § 563 is amended to read:

§ 563. ~~POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET  
EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE  
AVERAGE~~

The school board of a school district, in addition to other duties and  
authority specifically assigned by law:

\*\*\*

(11)(A) Shall prepare and distribute annually a proposed budget for the  
next school year according to such major categories as may from time to time  
be prescribed by the ~~commissioner~~ Secretary.

~~(B) If the proposed budget contains education spending in excess of  
the Maximum Inflation Amount, and the district's education spending per  
equalized pupil in the fiscal year preceding the year for which the budget is  
proposed was in excess of the statewide average district education spending  
per equalized pupil in that same fiscal year, as determined by the commissioner  
of education, then in lieu of any other statutory or charter form of budget  
adoption or budget vote, the board shall present the budget to the voters by  
means of a divided question, in the form of vote provided in subdivision (ii) of  
this subdivision (11)(B).~~

~~(i) "Maximum Inflation Amount" in this section means:~~

1 ~~(I) the statewide average district education spending per~~  
2 ~~equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year~~  
3 ~~preceding the year for which the budget is proposed, as determined by the~~  
4 ~~commissioner of education, multiplied by the New England Economic Project~~  
5 ~~Cumulative Price Index percentage change, as of November 15 preceding~~  
6 ~~distribution of the proposed budget, for state and local government purchases~~  
7 ~~of goods and services for the fiscal year for which the budget is proposed, plus~~  
8 ~~one percentage point; plus the district's education spending per equalized pupil~~  
9 ~~in the fiscal year preceding the year for which the budget is proposed, as~~  
10 ~~determined by the commissioner of education;~~

11 ~~(II) multiplied by the higher of the following amounts as~~  
12 ~~determined by the commissioner of education: (aa) the district's equalized~~  
13 ~~pupil count in the fiscal year preceding the year for which the budget is~~  
14 ~~proposed; or (bb) the district's equalized pupil count in the fiscal year for~~  
15 ~~which the budget is proposed.~~

16 ~~(ii) The ballot shall be in the following form:~~

17 ~~"The total proposed budget of \$\_\_\_\_\_ is the amount determined~~  
18 ~~by the school board to be necessary to support the school district's educational~~  
19 ~~program. State law requires the vote on this budget to be divided because (i)~~  
20 ~~the school district's spending per pupil last year was more than the statewide~~

1 ~~average and (ii) this year's proposed budget is greater than last year's budget~~  
2 ~~adjusted for inflation.~~

3 ~~"Article #1 (School Budget):~~

4 ~~Part A. Shall the voters of the school district authorize the school~~  
5 ~~board to expend \$ \_\_\_\_\_, which is a portion of the amount the school board~~  
6 ~~has determined to be necessary?~~

7 ~~Part B. If Part A is approved by the voters, shall the voters of the~~  
8 ~~school district also authorize the school board to expend \$ \_\_\_\_\_, which is the~~  
9 ~~remainder of the amount the school board has determined to be necessary?"~~

10 (C) At a school district's annual or special meeting, the electorate  
11 may vote to provide notice of availability of the school budget required by this  
12 subdivision to the electorate in lieu of distributing the budget. If the electorate  
13 of the school district votes to provide notice of availability, it must specify how  
14 notice of availability shall be given, and such notice of availability shall be  
15 provided to the electorate at least 30 days before the district's annual meeting.  
16 The proposed budget shall be prepared and distributed at least ten days before  
17 a sum of money is voted on by the electorate. Any proposed budget shall show  
18 the following information in a format prescribed by the ~~commissioner of~~  
19 ~~education~~ Secretary:

20 \* \* \*

1 ~~Sec. 3. REPEAL~~

2 16 V.S.A. § 4001(6)(A) (divided vote; exceptions to education spending)  
3 is repealed.

4 \* \* \* School Boards; Designation; Technical Correction \* \* \*

5 Sec. 4. 16 V.S.A. § 563(31) is amended to read:

6 (31) Subject to the requirements of section 571 of this title, may enter  
7 into contracts with other school boards to provide joint programs, services,  
8 facilities, and professional or other staff. ~~Nothing herein shall be construed to~~  
9 ~~permit the designation by a school district that does not maintain a secondary~~  
10 ~~school of another school district's secondary school as the secondary school of~~  
11 ~~the district.~~

12 \* \* \* Sight and Hearing Testing; Equipment \* \* \*

13 Sec. 5. REPEAL

14 16 V.S.A. § 1421 (sight and hearing testing equipment) is repealed.

15 \* \* \* Tiered System of Supports \* \* \*

16 Sec. 6. 16 V.S.A. § 2902 is amended to read:

17 § 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF  
18 SUPPORTS AND EDUCATIONAL SUPPORT TEAM

19 (a) Within each school district's comprehensive system of educational  
20 services, each public school shall develop and maintain ~~an educational support~~  
21 ~~system for students who require additional assistance in order~~ a tiered system

1 ~~of academic and behavioral supports for the purpose of providing all students~~  
2 with the opportunity to succeed or to be challenged in the general education  
3 environment. For each school it maintains, a school district board shall assign  
4 responsibility for developing and maintaining the ~~educational support system~~  
5 tiered system of supports either to the superintendent pursuant to a contract  
6 entered into under section 267 of this title or to the school principal. ~~The~~  
7 ~~educational support system~~ The school shall provide all students a full and fair  
8 opportunity to access the system of supports and achieve educational success.  
9 The tiered system of supports shall, at a minimum, include an educational  
10 support team ~~and a range of support and remedial services, including,~~  
11 instructional and behavioral interventions, and accommodations that are  
12 available as needed for any student who requires support beyond what can be  
13 provided in the general education classroom, and may include intensive,  
14 individualized interventions for any student requiring a higher level of support.

15 (b) The ~~educational support system~~ tiered system of supports shall:

16 (1) Be ~~integrated to the extent~~ aligned as appropriate with the general  
17 education curriculum.

18 (2) Be designed to ~~increase~~ enhance the ability of the general education  
19 system to meet the needs of all students.

1 ~~(3) Be designed to provide students the support needed necessary~~  
2 ~~supports promptly, regardless of an individual student's eligibility for~~  
3 ~~category programs.~~

4 ~~(4) Provide clear procedures and methods for addressing student~~  
5 ~~behavior that is disruptive to the learning environment and include educational~~  
6 ~~options, support services, and consultation or training for staff where~~  
7 ~~appropriate. Procedures may include removal of a student from the classroom~~  
8 ~~or the school building for as long as appropriate, consistent with state and~~  
9 ~~federal law and the school's policy on student discipline, after reasonable~~  
10 ~~effort has been made to support the student in the regular classroom~~  
11 ~~environment~~ Seek to identify and respond to students in need of support for  
12 at-risk behaviors and to students in need of specialized, individualized  
13 behavior supports.

14 ~~(5) Ensure~~ Provide all students with a continuum of evidence-based and  
15 research-based behavior practices that teach and encourage prosocial skills and  
16 behaviors schoolwide.

17 (6) Promote collaboration with families, community supports, and the  
18 system of health and human services.

19 \* \* \*

~~\*\*\* Small School Support; Outdated References \*\*\*~~

Sec. 7. REPEAL

16 V.S.A. § 4015(d) (small school support; references to two repealed provisions) is repealed.

\*\*\* Education Fund; Technical Correction \*\*\*

Sec. 8. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) An Education Fund is established to comprise the following:

\*\*\*

(4) ~~Revenue from the electric generating plant education property tax under 32 V.S.A. § 5402a.~~ [Repealed.]

\*\*\*

~~\*\*\* District Spending Adjustment; Repeal of Exception \*\*\*~~

Sec. 9. ~~32 V.S.A. § 5401(13) is amended to read:~~ *[Deleted.]*

(13) "District spending adjustment" means the greater of: one or a fraction in which the numerator is the district's education spending plus excess spending, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001. ~~For a district that pays tuition to a public school or an approved independent school, or both, for all of its resident students in any year and which has decided by a majority vote of its school board to opt into this provision, the~~



~~district spending adjustment shall be the average of the district spending  
adjustment calculated under this subdivision for the previous year and for the  
current year. Any district opting for a two-year average under this subdivision  
may not opt out of such treatment, and the averaging shall continue until the  
district no longer qualifies for such treatment.~~

\* \* \* Voluntary Mergers; Incentives \* \* \*

Sec. 10. 2010 Acts and Resolves No. 153, Sec. 2(a), as amended by 2012  
Acts and Resolves No. 156, Sec. 1, is further amended to read:

(a) Program created. There is created a school district merger incentive  
program under which the incentives outlined in Sec. 4 of this act shall be  
available to each new unified union school district created pursuant to Sec. 3 of  
this act and to each new district created under Sec. 3 of this act by the merger  
of districts that provide education by paying tuition; and to the Vermont  
members of any new interstate school district if the Vermont members jointly  
satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district  
meets all other requirements of Sec. 3 of this act. Incentives shall be available,  
however, only if the ~~effective date of merger is on or before July 1, 2017~~  
merger receives final approval of the electorate prior to November 30, 2017.

1 ~~Sec. 11. 2010 Acts and Resolves No. 153, Sec. 4, as amended by 2012 Acts~~

2 and Resolves No. 156, Sec. 13, is further amended to read:

3 Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES

4 \* \* \*

5 (h) ~~This section is repealed on July 1, 2017.~~ The incentives provided in  
6 this section shall be available only if the merger receives final approval of the  
7 electorate prior to November 30, 2017 or as otherwise provided by the General  
8 Assembly.

9 \* \* \* Effective Date \* \* \*

10 Sec. 12. EFFECTIVE DATE

11 ~~This act shall take effect on July 1, 2015.~~

*\* \* \* Elementary Education; Prekindergarten \* \* \**

*Sec. 1. 16 V.S.A. § 11(a)(3) is amended to read:*

*(3) "Elementary education" means a program of public school  
education adapted to the needs of students in prekindergarten, kindergarten,  
and the first six grades.*

*\* \* \* School Boards; Designation; Technical Correction \* \* \**

*Sec. 2. 16 V.S.A. § 563(31) is amended to read:*

*(31) Subject to the requirements of section 571 of this title, may enter  
into contracts with other school boards to provide joint programs, services,  
facilities, and professional or other staff. ~~Nothing herein shall be construed to~~*

~~permit the designation by a school district that does not maintain a secondary school of another school district's secondary school as the secondary school of the district.~~

*\* \* \* Sight and Hearing Testing; Equipment \* \* \**

*Sec. 3. REPEAL*

*16 V.S.A. § 1421 (sight and hearing testing equipment) is repealed.*

*\* \* \* Vermont State Colleges; Technical Correction \* \* \**

*Sec. 4. 16 V.S.A. § 2179 is amended to read:*

*§ 2179. NONAPPLICABILITY OF CERTAIN STATUTES*

*Except as expressly provided in this chapter, the Corporation, its officers and employees shall not be governed by:*

*\* \* \**

*(9) 21 V.S.A. § 342(d)(c), dealing with required written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the State.*

*\* \* \* University of Vermont and State Agricultural College \* \* \**

*Sec. 4a. 16 V.S.A. § 2285 is added to read:*

*§ 2285. NONAPPLICABILITY OF CERTAIN REQUIREMENTS FOR  
PAYMENT OF WAGES*

Except as expressly provided in this chapter, the University of Vermont and State Agricultural College and its Board of Trustees, officers, and employees shall not be subject to the provisions of 21 V.S.A. § 342(c) that require written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the State.

\* \* \* Tiered System of Supports \* \* \*

Sec. 5. 16 V.S.A. § 2902 is amended to read:

§ 2902. ~~EDUCATIONAL SUPPORT SYSTEM~~ TIERED SYSTEM OF

SUPPORTS AND EDUCATIONAL SUPPORT TEAM

(a) Within each school district's comprehensive system of educational services, each public school shall develop and maintain ~~an educational support system for students who require additional assistance in order~~ a tiered system of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the ~~educational support system~~ tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The educational support system school shall provide all students a full and fair opportunity to access the system of supports and achieve

~~educational success. The tiered system of supports shall, at a minimum, include an educational support team and a range of support and remedial services, including instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support beyond what can be provided in the general education classroom, and may include intensive, individualized interventions for any student requiring a higher level of support.~~

(b) ~~The educational support system~~ tiered system of supports shall:

(1) ~~Be integrated to the extent~~ aligned as appropriate with the general education curriculum.

(2) ~~Be designed to increase~~ enhance the ability of the general education system to meet the needs of all students.

(3) ~~Be designed to provide students the support needed~~ necessary supports promptly, regardless of an individual student's eligibility for categorical programs.

(4) ~~Provide clear procedures and methods for addressing student behavior that is disruptive to the learning environment and include educational options, support services, and consultation or training for staff where appropriate. Procedures may include removal of a student from the classroom or the school building for as long as appropriate, consistent with state and federal law and the school's policy on student discipline, after~~

~~reasonable effort has been made to support the student in the regular classroom environment~~ Seek to identify and respond to students in need of support for at-risk behaviors and to students in need of specialized, individualized behavior supports.

(5) ~~Ensure~~ Provide all students with a continuum of evidence-based and research-based behavior practices that teach and encourage prosocial skills and behaviors schoolwide.

(6) Promote collaboration with families, community supports, and the system of health and human services.

\* \* \*

\* \* \* *Small School Support; Outdated References* \* \* \*

Sec. 6. *REPEAL*

16 V.S.A. § 4015(d) (small school support; references to two repealed provisions) is repealed.

\* \* \* *Education Fund; Technical Correction* \* \* \*

Sec. 7. 16 V.S.A. § 4025 is amended to read:

§ 4025. *EDUCATION FUND*

(a) *An Education Fund is established to comprise the following:*

\* \* \*

(4) ~~Revenue from the electric generating plant education property tax under 32 V.S.A. § 5402a.~~ [Repealed.]

\* \* \*

\* \* \* *Governance of the Vermont State Colleges; Technical Correction* \* \* \*

*Sec. 8. 16 V.S.A. § 2172(d) is amended to read:*

*(d) ~~The Governor, in the case of gubernatorial-appointed trustees, or the Board of Trustees, in the case of Board-elected trustees.~~*

*(1) The Board of Trustees, after notice and a hearing, may remove a trustee for incompetency, failure to discharge duties, malfeasance, illegal acts, or other cases inimical to the welfare of the Corporation; and,*

*(2) Gubernatorial-appointed trustees shall serve at the pleasure of the Governor pursuant to 3 V.S.A. § 2004.*

*(3) ~~in~~ In the event of a vacancy occurring under this subsection, the Governor or the Board, as applicable, shall fill the vacancy pursuant to subsection (a) of this section.*

\* \* \* *Expanded Learning Opportunities* \* \* \*

*Sec. 9. 16 V.S.A. § 2906 is added to read:*

*§ 2906. VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
FUND ESTABLISHED*

*(a) As used in this section, "Expanded Learning Opportunity" means a structured program designed to serve prekindergarten through secondary school-age children and youth outside the school day and year on a regular basis, including before and after school and during the summer, by providing*

opportunities for personal, emotional, and academic growth for children and youth.

(b) There is established a Vermont Expanded Learning Opportunities Special Fund comprising grants, donations, and contributions from any private or public source. Monies in the Fund shall be available to the Agency of Education for the purpose of increasing access to expanded learning opportunities throughout Vermont. The Commissioner of Finance and Management may draw warrants for disbursements from this Fund in anticipation of receipts. The Fund shall be administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest earned and any remaining balance at the end of the fiscal year shall be retained and carried forward in the Fund.

*Sec. 10. PREKINDERGARTEN–16 COUNCIL; EXPANDED LEARNING*

*OPPORTUNITIES WORKING GROUP; GRANT PROGRAM*

(a) The Expanded Learning Opportunities (ELO) Working Group of the Prekindergarten–16 Council, established in 16 V.S.A. § 2905, shall develop recommendations for the Secretary of Education relating to the design and implementation of an Expanded Learning Opportunities Grant Program that would award grants for the purpose of increasing access to expanded learning opportunities throughout Vermont.



(b) The ELO Working Group, in collaboration with the Secretary of Education, shall identify and solicit grants, donations, and contributions from any private or public source for the purposes of funding an Expanded Learning Opportunities Grant Program (Program) or otherwise increasing access to expanded learning opportunities throughout Vermont. Any funds accepted under this subsection shall be deposited in the Vermont Expanded Learning Opportunities Fund established in 16 V.S.A. § 2906.

(c) On or before November 15, 2015, the Secretary of Education, in consultation with the ELO Working Group, shall report to the House and Senate Committees on Education and on Appropriations on the recommendations for creating the Grant Program described in subsection (a) of this section and on any funding secured for the Vermont Expanded Learning Opportunities Special Fund.

**Sec. 11. VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
FUND; DISBURSEMENTS**

No funds shall be disbursed from the Vermont Expanded Learning Opportunities Special Fund, established in 16 V.S.A. § 2906, until the General Assembly enacts legislation establishing a framework for awarding grants under the Expanded Learning Opportunities Grant Program, pursuant to the recommendations of the Secretary of Education and the ELO Working Group as described in Sec. 10 of this act.

*\* \* \* Effective Dates \* \* \**

*Sec. 12. EFFECTIVE DATES*

*(a) Secs. 1–7 shall take effect on July 1, 2015.*

*(b) Sec. 8 (16 V.S.A. § 2172(d)) shall take effect on July 16, 2015.*

*(c) This section and Secs. 9–11 shall take effect on passage.*